



County of Los Angeles
CHIEF ADMINISTRATIVE OFFICE

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DAVID E. JANSSEN
Chief Administrative Officer

July 5, 2006

To: Mayor Michael D. Antonovich
Supervisor Gloria Molina
Supervisor Yvonne B. Burke
Supervisor Zev Yaroslavsky
Supervisor Don Knabe

From: David E. Janssen
Chief Administrative Officer

Board of Supervisors
GLORIA MOLINA
First District

YVONNE B. BURKE
Second District

ZEV YAROSLAVSKY
Third District

DON KNABE
Fourth District

MICHAEL D. ANTONOVICH
Fifth District

SACRAMENTO UPDATE

Legislation Related to Homelessness

Earlier this year, a number of bills related to homelessness were introduced, including **County-sponsored AB 2951 (Nuñez)**, which would increase CalWORKs benefits for persons at risk of homelessness. Many of the provisions of AB 2951 were incorporated into the recently enacted State budget, and the following bills are still under consideration in the Legislature.

AB 2745 (Jones), as amended on May 10, 2006, would require hospitals to develop a discharge protocol specific to the needs of homeless patients, prohibit the relocation of homeless individuals for the purpose of receiving supportive services from one county to another without prior notification, and require the county board of supervisors to review the protocol. A homeless patient is defined as an individual who lacks a fixed and regular nighttime residence, or has a primary nighttime residence that is a supervised publicly or privately operated shelter, or who is residing in a place not designed or ordinarily used as a sleeping accommodation for human beings. The bill is supported by the City of Sacramento and the Western Center on Law and Poverty and is opposed by the California Hospital Association. AB 2745 passed the Senate Committee on Health on June 28, 2006 by a vote of 5 to 4, and is awaiting action by the Senate Committee on Appropriations.

SB 1318 (Cedillo), as amended on May 26, 2006, would create a two-year sentence enhancement for drug trafficking within 1,000 feet of a drug treatment center, detoxification facility, or homeless shelter. The bill would allow the court to strike the enhanced sentence if it determines there are mitigating circumstances such as the defendant is homeless, drug-addicted, was motivated to maintain a steady supply of drugs for personal use, or was recruited or exploited by a more culpable person to commit a crime. The bill is supported by the City of Los Angeles, the California Narcotics Officers Association, and the California Peace Officers Association, and is opposed by the Los Angeles Community Action Network. On June 28, 2006, SB 1318 was placed in the Suspense File of the Assembly Committee on Appropriations.

SB 1320 (Cedillo), as amended on May 1, 2006, would require courts, as a condition of probation, to impose a restriction that would limit the entry of probationers, who are convicted of certain drug sales offenses, into the Skid Row area of Downtown Los Angeles. This requirement would remain in effect until January 1, 2010. The bill is supported by the City of Los Angeles, and is opposed by the California Public Defenders Association and California Attorneys for Criminal Justice. On June 28, 2006, SB 1318 was placed in the Suspense File of the Assembly Committee on Appropriations.

SB 1322 (Cedillo), as amended on June 15, 2006, would require cities and counties to include in the housing element of their general plan an analysis of the need for emergency shelters and residential service facilities and also to accommodate the need for such facilities on sites that are zoned as "use by right." "Use by right" means that the local government may not require a special permit (e.g. conditional use permit) or engage in other discretionary reviews or approvals for projects that meet zoning and development standards.

Specifically, among its provisions, the bill: 1) adds emergency shelters and residential service facilities to the list of types of housing that must be identified, 2) requires the housing element to include an inventory of sites suitable for the development and requires these sites to be zoned to permit shelters or residential service facilities as a use by right, 3) requires the city or county to identify and re-zone sufficient sites to accommodate the need for emergency shelters and residential service facilities if the inventory does not identify adequate sites to accommodate the community's need as identified in the analysis, 4) allows a local government to satisfy these requirements through a multi-jurisdictional agreement with adjacent communities, 5) allows a city or county to comply with the requirements during the next regular plan update cycle, and 6) amends the anti-NIMBY law to prohibit a community from using the "not-needed" defense to disapprove an emergency shelter or transitional housing development unless the community has met the need for such facilities.

SB 1322 is supported by the California Rural Legal Assistance Foundation, the Central City Association of Los Angeles, the City of Santa Monica, the Midnight Mission,

Protection and Advocacy, Inc., San Diego Housing Federation, Shelter Partnership, Inc., the Los Angeles Union Rescue Mission, and the Western Center on Law & Poverty. The bill is opposed by the Cities of Roseville and Torrance, and the League of California Cities. The California Chapter of the American Planning Association and the California State Association of Counties (CSAC) have taken oppose unless amended positions. CSAC has indicated that it likely would remove its opposition based on the author's commitment to adopt amendments, which would 1) delete the addition of residential service facilities to the housing element process, including the requirement that such facilities be zoned as a use by right, 2) require that sites for emergency shelters that are zoned by right be zoned with appropriate development and management standards, 3) require every city and county to identify zones that allow, with conditional use if necessary, residential service facilities, and 4) add residential service facilities to provisions of the anti-NIMBY law.

On June 28, 2006, SB 1322 passed the Assembly Committee on Housing and Community Development and the Committee on Local Government by votes of 5 to 2. The measure is awaiting action by the Assembly Committee on Appropriations.

If you have any questions or need additional information, please let me know, or your staff may contact Jonathan Freedman at (213) 974-1643.

DEJ:GK
MAL:JF:cc

c: All Department Heads
Legislative Strategist
Local 660
Coalition of County Unions
California Contract Cities Association
Independent Cities Association
League of California Cities
City Managers Associations
Buddy Program Participants